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8	Attorneys for Complainant
9	BEFORE THE BOARD OF REGISTERED NURSING
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	STATE OF CALIFORNIA
	In the Matter of the Accusation Against: Case No. 2011-371
12	THOMAS EDWARD LEITELT
13	44444 N. Shangri La Lane New River, AZ 85087 A C C U S A T I O N
14	Registered Nurse License No. 591159
15	Respondent.
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17	Complainant alleges:
. 18	PARTIES
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Departmen
21	of Consumer Affairs.
22 .	The state of the s
23	M
24	Nurse License Number 591159 to Thomas Edward Leitelt (Respondent). The Registered Nurse
25	License was in full force and effect at all times relevant to the charges brought in this Accusation
. 26	and will expire on March 31, 2011, unless renewed.
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline) (Bus. & Prof. Code §2761(a)(4))

- 9. Respondent has subjected his registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4) in that on or about November 2, 2005, in a disciplinary action before the State of Michigan Board of Nursing (Michigan Board), Complaint Number 47-04-96408, the Michigan Board entered a Consent Order ordering that Respondent's registered nurse license be probated for 18 months. The Consent Order required Respondent to: (1) comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code; (2) report any change of residency or practice outside of Michigan to the Michigan Board within 15 days of the change; (3) take and successfully complete one face-to-face instructor-mediated course in documentation; (4) take and successfully complete one face-to-face instructor-mediated course in the ethics of nursing practice; and (5) take and successfully complete one face-to-face instructor-mediated course in professional accountability and legal liability for nurses.
- 10. The underlying conduct supporting the Michigan Board's disciplinary action is that on or about July 13, 2004, while employed at Northern Michigan Hospital in Petoskey, Michigan, Respondent provided a suicidal patient with the patient's cosmetic bag, which contained nail clippers, scissors, matches, tweezers, and mirrors. Respondent received counseling for this incident, was issued an initial warning, and his employment probationary period was extended for three months. On or about July 28, 2004, Respondent failed to make close observation checks on all patients every 15 minutes between 6:00 a.m. and 7:30 a.m. Respondent also left a clipboard with confidential information about numerous patients in one of the patient's room. Moreover,

1	Respondent administered Maalox to a patient without a physician's order. As a result of these
2	incidents, Respondent was terminated by Northern Michigan Hospital on or about July 30, 2004.
3	<u>PRAYER</u>
4	WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
5	Accusation and that following the hearing, the Board of Registered Nursing issue a decision:
6	1. Revoking or suspending Registered Nurse License Number 591159, issued to
7	Thomas Edward Leitelt;
8	2. Ordering Thomas Edward Leitelt to pay the Board of Registered Nursing the
9	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10	Professions Code section 125.3;
11	3. Taking such other and further action as deemed necessary and proper.
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13	DATED: October 25, 2010 Louise L. Bailey
14	LOUISE R. BAILEY, M.ED., RN Interim Executive Officer
15.	Board of Registered Nursing Department of Consumer Affairs
16	State of California Complainant
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